



#16 (NE)  
Terminal Disclaimer.  
6-14-04 SB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BAUM

Application No.: 10/038,004

Filed: 1/2/2002

For: DISTRIBUTING IMAGES TO  
MULTIPLE RECIPIENTS

Examiner: GARG, YOGESH C

Art Unit: 3625

RECEIVED

MAR 24 2004

GROUP 3600

TERMINAL DISCLAIMER PURSUANT  
TO §1.321

5 Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

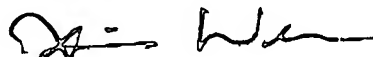
10 Petitioner, SHUTTERFLY, INC., is the owner of 100 percent interest in  
the instant application. Petitioner hereby disclaims, except as provided below, the  
terminal part of the statutory term of any patent granted on the instant application, which  
15 would extend beyond the expiration date of the full statutory term defined in 35 U.S.C.  
154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending  
Application No. 09/436,704. Petitioner hereby agrees that any patent so granted on the  
instant application shall be enforceable only for and during such period that it and the  
prior patent are commonly owned. This agreement runs with any patent granted on the  
15 instant application and is binding upon the grantee, its successors or assigns.

20 In making the above disclaimer, petitioner does not disclaim the terminal  
part of any patent granted on the instant application that would extend to the expiration  
date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior  
patent, as presently shortened by any terminal disclaimer, in the event that it later: expires  
for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of  
competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under

37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Xin Wen - Director of Intellectual Property

3/16/04

Date